

MAN OF GOD PREVAILS AGAINST FCC

Read [Judge's ruling plus a summary](#) by Lonnie Kobres



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By Paul Wetter
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Radio broadcasts continue at "Radio Free Lenawee," after a federal judge in U.S. District Court in Detroit threw out a government request to shut down the station.

U.S. District Court Judge Julian Abele Cook Jr. dismissed the government's complaint against the Rev. Rick Strawcutter. The Federal Communications Commission, saying the low-power station is illegal, sought confiscation of his broadcasting equipment by the Federal Communications Commission.

"It appears to be a victory for us," said Strawcutter's attorney, Patrick M. Edwards of Detroit.

"We're very satisfied with the judge's opinion," Strawcutter said.

Edwards was quick to note that while the case was dismissed, the larger meaning of the opinion needs to be examined.

"It has more or less left the situation in a state of flux," Edwards said. "It's not clear what parts of the opinion means."

The federal prosecutor in the case has indicated she will appeal the decision to the U.S. Court of Appeals in the 6th Circuit, Edwards said. The FCC had no comment on the opinion, issued last week.

"I think it's safe to say they were not very happy with the results," Edwards said.

To attempt to get the radio station off the air, the FCC will likely seek an injunction, but a jurisdictional question must be resolved first, Edwards said.

"We want to get to the First Amendment question that the FCC is violating First Amendment rights of micro broadcasters by refusing to issue licenses to them," Edwards said. "The FCC is doing everything they can to avoid that issue."

On June 16, a U.S. District Court judge in California upheld the licensing authority of the FCC and issued an injunction against unlicensed broadcaster Stephen Dunifer that silenced "Radio Free Berkeley."

According to court documents, Dunifer argued that the commission's rules for obtaining a license were unconstitutional and violated his First Amendment rights. The court rejected the claims.

On June 25, a U.S. District Court judge in North Dakota rejected constitutional arguments and objections to the FCC's handling of licensing procedures by an unlicensed micro broadcaster. In making the decision, the judge cited the Dunifer case as a precedent.

Edwards said the Dunifer case did not directly take on the First Amendment issue.

"We feel confident that if we get to the First Amendment question, we will win," Edwards said.

In the meantime, Strawcutter said he will keep the 95 watt FM station on the air while the legal process continues.

He remains optimistic about his case.

Strawcutter's station has irked other local stations who say he operates outside of federal regulations. They say its unfair that Strawcutter doesn't pay the same fees and follow the same rules they do.

"The judge refused to order us off the air and we're encouraged by that, "Strawcutter said.
